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May 27, 2004*from* **WILLIAM A. JIVIDEN**Direct: 937-449-6448 / Fax: 937-223-0724 / william.jviden@dinslaw.com

To: Examiner Beth E. Owens
Art No. 2824
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Comments: Applicant : Chandra V. Mouli
Serial No. : 10/650,563
Filed : August 28, 2003
Confirm No. : 7597
Title : **MULTILAYERED DOPED CONDUCTOR**
Docket No. : MIO 0104 VA
Examiner : Owens, Beth E.
Art Unit : 2824

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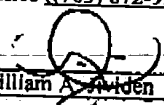
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Application of
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office ((703) 872-9306) on May 27, 2004.	
 William A. Swiden	42,695 Reg. No.

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This paper is being filed in response to the Office Action of May 18, 2004.

Applicant hereby elects, with traverse, claims 1-3, 7-8, 12, and 19-31 of Group I.

Claim 1 is currently generic to this group as identified in the Office Action.

With respect to the requirement to elect among the Species identified by the Examiner in Group I, applicant asserts that this requirement is improper. According to MPEP 806.04(f), claims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first.

The Examiner has stated that the invention of Group I is directed to a method of manufacturing in subclass 652. The Examiner then proceeds to place various dependent claims (i.e., claims 4-6, 9-11, and 13-18) having a different breadth or scope of definition of the method into separate Species. However, claims 4 and 14 are listed in two different species (embodiments 2 and 4), claims 5 and 17 are listed in two different species (embodiments 2 and 3), claims 6 and 13 are listed in two different species (embodiments 1 and 3), claim 11 is listed in two different species (embodiments 1 and 4), and claim 18

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is listed in two different species (embodiments 4 and 6). This is not in compliance with the MPEP.


Applicant is not traversing on the ground that the species are not patentably distinct. Nor is Applicant asserting that the claims are obvious variants of one another. Rather, Applicant is asserting that election requirement is improper and that the reasons for the election requirement are unclear. Accordingly, Applicant respectfully requests that the Species election requirement be withdrawn.

Applicant respectfully submits that, the currently pending claims represent allowable subject matter. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

Dinsmore & Shohl LLP

By


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